

REMARKS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The previously submitted claims 9-12 are canceled and redrafted as claims 12-15.

Previous claims 9-11 were rejected under 35 U.S.C. § 102 as being anticipated by Endo (US 6,107,933). Newly submitted independent claim 12 clearly sets forth the distinguishing characteristics of the present invention.

Thus, claim 12 now defines a vehicle system as comprising an emergency communication system terminal unit for transmitting emergency information to a remote emergency services center, such as a center for responding to a traffic accident, sudden illness, etc. (see Abstract).

The system includes a gyro sensor and a GPS receiver that is included in the emergency communication system terminal for generating vehicle positional information to the emergency services center. This same gyro sensor and GPS receiver is also used for an onboard vehicle navigation system with display means for indicating changing present position of the vehicle. Thus, the gist of the invention is clearly defined in independent claim 12 wherein the navigation system and the emergency communication terminal unit share the same gyro sensor and GPS receiver for accomplishing two functions. The first is to relate positional information to a remote emergency services center and the second is to present positional data to a vehicle navigation system during normal operation.

On page 3, paragraph 5 of the Office Action, the Examiner states that Endo discloses an emergency communications system terminal unit provided on a vehicle for transmitting information originated by a gyro-GPS receiver. However, Endo is neither capable of transmitting information originated by the gyro and receiving, nor is it involved with emergency communication.

As stated in the Abstract of Endo, the navigation system disclosed therein is provided with a security feature capable of detecting the removal of the system from the vehicle which uses only one memory for storing an anti-theft code. Although Endo may disclose a conventional vehicle navigation system as a first aspect of that invention, the security feature deals with anti-theft and not at all with emergency communication which is quite clear from the present claims. In other words, as set forth in column 2, lines 39 and 40 of Endo, the security system detects whether or not the system has been disconnected from the vehicle battery. The portion of Endo cited by the Examiner (column 2, lines 42-59) explains that upon disconnection of a vehicle battery from the navigation system a code (known only to the owner) must be input to the system at a time when an attempt is made to reset the clock time of the navigation system after battery disconnection. As explained in column 3, lines 28-35 when the input identification code does not match the true code stored in memory, the security function is actuated and the system remains in a frozen state so that it cannot be used for vehicle navigation by a thief.

Accordingly, Endo fails to disclose essential aspects of the presently claimed invention as defined in independent claim 12. That is, an emergency communication system terminal unit for transmitting emergency information to a remote emergency services center. Further, there is no disclosure in the reference of the gyro sensor and GPS receiver generating vehicle positional information to such an emergency services center. Dependent claims 13 and 14 further define limitations of the basic system that are not shown by Endo.

Anticipation requires the disclosure, in a prior art reference, of each and every limitation as set forth in the claims. *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986); *Akzo N.V. v. U.S. International Trade Commissioner*, 1 USPQ2d 1241 (Fed. Cir. 1986). There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. § 102. *Scripps Clinic and Research Foundation v. Genetech, Inc.*, 18 USPQ2d 1001 (Fed. Cir. 1991); *Studiengesellschaft Kohle GmbH v. Dart Industries*, 220 USPQ 841 (Fed. Cir. 1984).

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185, under Order No. 21900-00037-US from which the undersigned is authorized to draw.

Dated: July 29, 2006

Respectfully submitted,

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